

MEMO ENDORSED

Allan Chan & Associates

Attorney at Law

Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007
Via Electronic Filing

Amimon shall respond to the defendants' letter by
Monday, September 18, 2023. SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: September 15, 2023
New York, New York

Re: Amimon Inc. and Amimon LTD v. Shenzhen Hollyland Tech Co. et al. Civil Case
No. 1:20-cv-09170-ER

Honorable Judge Ramos:

Unfortunately, the Plaintiffs refuse to cooperate regarding the deposition of their officers and employees in New York, necessitating the making of the instant Letter Motion. Defendants noticed the depositions of two of Plaintiffs officers and/or employees. Defendants provided the Plaintiffs with thirty days' notice. The Notices were emailed to the Plaintiffs on August 15, 2023, and August 24, 2023. The scheduled dates set for those depositions were September 15, 2023, and September 22, 2023. The Plaintiffs informed the Defendants that the dates did not work, and that they would get back with confirmed times.

From: Allan Chan <ChanEsg@hotmail.com>
Sent: Tuesday, September 12, 2023 3:43 PM
To: Karl T. Fisher <KFisher@atllp.com>
Cc: John Johnson <johnjohnsonattorney@gmail.com>; David M. Magee <DMagee@atllp.com>
Subject: Depositions

Karl

Please confirm the deposition dates. Our clients have tight schedules and these dates will not be reserved until you confirm. Since it will be in Hong Kong, we as attorneys need to make preparations too.

Also since discovery is ending soon, please give us dates for your clients for deposition. We sent the request for deposition about two weeks ago and have not heard back with any dates.

Thanks,
Allan

Plaintiffs responded on September 13, 2023 as follows:

Karl T. Fisher

Wed, Sep 13,
3:07 PM (2
days ago)

to Allan, me, David

Allan,

We have calendared depositions as follows:

- 30(b)(6) Deposition of ECPro - [Defense counsel advised on August 14 that a date would be provided shortly; No date provided at this time]
- 30(b)(6) Deposition of Hollyland - October 27, 2023 [CONFIRMED]
- Deposition of Andrew Wu - October 25, 2023 [CONFIRMED]

I can confirmed that we will present Mr. Agiv for deposition during the week of October 16-20. We are coordinating our travel and will advise as to the specific date shortly. The deposition will occur in California.

We are still coordinating scheduling with Mr. Kanonich, but we anticipate presenting him during the last two weeks of October in Israel.

Thank you,
Karl

In response, Defendants provided the EC Pro date the next day. Plaintiffs' September 13, 2023, response unilaterally placed the depositions of his officers in remote locations, instead of New York as Noticed. Mr. Johnson responded to the unilateral change of location for the deposition via email.

From: John Johnson <johnjohnsonattorney@gmail.com>
Sent: Thursday, September 14, 2023 12:28 AM
To: Karl T. Fisher <KFisher@atllp.com>; johnjohnsonattv@gmail.com <johnjohnsonattv@gmail.com>
Cc: David M. Magee <DMagee@atllp.com>; Allan Chan <chanesq@outlook.com>
Subject: Re: Depositions [IWOV-IDOCS.FID3990580]

The Rule is the Plaintiff has to be deposed in the Forum which the Plaintiff chose to bring the lawsuit. If you disagree with having your clients deposed in NY, let's set up a date for a meet and confer on Friday. There is no need to delay this until next week. Discovery is almost at its end, and time is of the essence. If we have to bring this to the Court's attention sonner is better than later. Based on the fact that your clients were Noticed earlier in the case, and you made no mention of depositions in remote locations, this is a pure delay litigation tactic. Depositions must take place in the forum your client chose.

There was no response from the Plaintiff, therefore Mr. Johnson sent another email reiterating the statements of the first, and asking for a response.

From: John Johnson <johnjohnsonattorney@gmail.com>
Sent: Thursday, September 14, 2023 10:05 PM
To: Karl T. Fisher <KFisher@atllp.com>; johnjohnsonattv@gmail.com <johnjohnsonattv@gmail.com>
Cc: David M. Magee <DMagee@atllp.com>; Allan Chan <chanesq@outlook.com>
Subject: Re: Depositions [IWOV-IDOCS.FID3990580]

I am repeating my email sent to you yesterday:

"The Rule is the Plaintiff has to be deposed in the Forum which the Plaintiff chose to bring the lawsuit. If you disagree with having your clients deposed in NY, let's set up a date for a meet and confer on Friday. There is no need to delay this until next week. Discovery is almost at its end, and time is of the essence. If we have to bring this to the Court's attention sonner is better than later. Based on the fact that your clients were Noticed earlier in the case, and you made no mention of depositions in remote locations, this is a pure delay litigation tactic. Depositions must take place in the forum your client chose. "

"This is the second email regarding the above subject. Plaintiffs are wasting discovery time, in an apparent attempt to not have their clients deposed. Your clients were Noticed for depositions in N.Y. Plaintiffs stated they would get back with different dates. The prior deposition notice dates passed. Yesterday 9/13/2023 you emailed Defendants with new dates, and unilaterally scheduled depositions in California and Israel. Plaintiffs specifically chose the Southern District to bring this lawsuit. Plaintiffs must make themselves available in N.Y.. for depositions. Notwithstanding the fact that Defendants asked you to meet and confer regarding your unilateral decision to make your clients available outside of the S.D.N.Y. you failed to confirm any such meeting nor did you respond to yesterdays' email. Two days have now lapsed. Again, discovery ends 10/31/23. Time is of the

essence. If we do not hear from you by 12 noon tomorrow we will have no choice other than to seek Court intervention. Defendants have provided plaintiffs with the dates and times of the Defendants individuals to be deposed. Plaintiffs are playing games."

The Plaintiffs responded with a blackmail scenario:

On Thu, Sep 14, 2023 at 10:21 PM Karl T. Fisher <KFisher@atllp.com> wrote:
John,

Your email was not sent yesterday. It was sent this morning at 12:29am.

We are unaware of any Rule supporting Defendants' position.
To the extent Hollyland's designee and it's representative agree to be deposed in New York, we can reconsider the location for the depositions of Amimon.

Regards,
Karl

From: John Johnson <johnjohnsonattorney@gmail.com>
Sent: Thursday, September 14, 2023 11:40 PM
To: Karl T. Fisher <KFisher@atllp.com>; David M. Magee <DMagee@atllp.com>; Allan Chan <chanesq@outlook.com>; johnjohnsonatty@gmail.com <johnjohnsonatty@gmail.com>
Subject: Re: Depositions [IWOV-IDOCS.FID3990580]

Let's not split hairs. 12:29am is early enough for you to respond. Your response was sent at 10:05pm today. However it failed to address the issues, and then set up a blackmail scenario by "To the extent Hollyland's designee and it's representative agree to be deposed in New York, we can reconsider the location for the depositions of Amimon." You sued a Chinese Corporation in New York. You chose the forum. If you are unaware of the Rule in the Southern District of New York, perhaps you should confer with your N.Y. Office or Westlaw. Your response fails to address the meet and confer requested for Friday 9/15/2023. Therefore we are left with no choice other than to seek Court intervention.

"There is a general presumption that a plaintiff who chooses a particular forum should be prepared to be deposed in that forum (citations omitted)... "[T]his Court has long enunciated the policy of requiring a non-resident plaintiff who chooses this district as his forum to appear for deposition in this forum absent compelling circumstances." (citations omitted) see, Wei Su v. Sotheby'S, Inc., 2019 U.S. Dist. LEXIS 146667

Plaintiffs failed to claim any hardship or compelling circumstances for depositions outside their forum of choice, instead they attempt to blackmail Defendants "To the extent Hollyland's designee and it's representative agree to be deposed in New York, we can reconsider the location for the depositions of Amimon." Defendants' depositions have already been agreed upon and scheduled for Hong Kong. Plaintiffs unilaterally changed their depositions and failed to meet and confer to discuss the issue. Defendants do not wish to involve the Court in such bickering. Plaintiffs simply refuse to cooperate. We ask the Court to order that Plaintiffs' depositions be held in New York, the district in which the suit was brought.

Dated: September 15, 2023

/s/Allan Chan
Allan Chan & Associates
John Johnson Of Counsel
Attorneys for Defendants